

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
v.)	Criminal No. 14-00117-01-CR-W-DW
)	
JAMES T. SMITH)	
)	
Defendant(s).)	

**MEMORANDUM OF MATTERS DISCUSSED AND
ACTION TAKEN AT PRETRIAL CONFERENCE**

PENDING CHARGE: On April 29, 2014, the Grand Jury returned a 2 count Indictment against defendant James T. Smith. Defendant is charged with the robbery by force, violence or intimidation of a teller at a Commerce Bank insured by the FDIC (Count 1). Defendant is also charged with an attempted Hobbs Act Robbery of the Isle of Capri Casino by threat of force or violence (Count 2).

The following matters were discussed and action taken during the pretrial conference:

TRIAL COUNSEL:

Government: Christian Tabor and Justin Davids
Case Agent: F.B.I. Special Agent Michael Powell
Defense: James Smith pro se with standby counsel Bill Raymond

OUTSTANDING MOTIONS: At the time of the pretrial conference there were no outstanding motions. However, at the conclusion of the proceeding, Mr. Smith presented a number of papers which were sent to the Clerk's Office for filing. (See doc. # 58) Also following the pretrial conference, the government filed a motion in limine. (See doc. # 56)

TRIAL WITNESSES:

Government: 20 without stipulations
Defendants: No witnesses except possibly the defendant

TRIAL EXHIBITS

Government: 120 exhibits
Defendant: 0 exhibits for defendant

DEFENSES:

General denial and lack of jurisdiction

POSSIBLE DISPOSITION:

(X) Definitely for trial; () Possibly for trial; () Likely a plea will be worked out

TRIAL TIME: 2 ½ -3 days

Government's case including jury selection: 2 ½ -3 days

Defense case: Government counsel has attempted to factor into the trial time an estimate of the amount of time defendant will spend in cross-examining witnesses. However, since the defendant is proceeding pro se, it is difficult to estimate the time that will be spent on cross-examination.

STIPULATIONS: The government indicated that it could propose stipulations as to (1) the amount of loss, (2) that the bank was insured by the FDIC and (3) that the Isle of Capri has an interstate nexus. However, the defendant stated he is not interested in entering into any stipulations.

UNUSUAL QUESTIONS OF LAW: None

FILING DEADLINES:

Witness and Exhibit List

Government: Friday before the pretrial conference

Defense: Friday before the pretrial conference

Counsel are requested to list witnesses in alphabetical order on their witness list.

Exhibit Index, Voir Dire, Jury Instructions: Noon, Wednesday, 9/24/14

Please Note: Jury instructions must comply with Local Rule 51.1

Motion in Limine: No later than September 19, 2014, the government will file a motion in limine to keep the defendant from referencing all of the jurisdictional issues which he has raised prior to trial and which the Court has already ruled on. The defendant will file an opposition to this motion on or before September 26.

The defendant will file objections to the government's Rule 404(b) notice by Monday September 22, 2014.

TRIAL SETTING: Criminal jury trial docket commencing

Please note: Government counsel requests that the case be set the second week of the Joint Criminal Jury Trial Docket.

IT IS SO ORDERED.

_____/s/_____
SARAH W. HAYS
United States Magistrate Judge